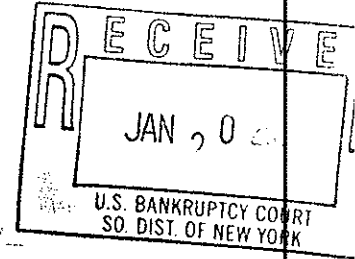
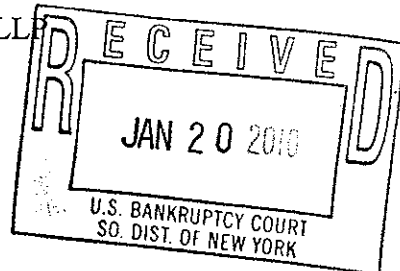


Thelma Barshay Trust
Robert Barshay and Thelma Barshay, Trustees
9 Old Stage Court
Rockville, MD 20852

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111

Dear Mr. Picard,



The Thelma Barshay Trust (the "Trust") is in receipt of your October 19, 2009 Notice of Trustee's Determination of Claim in which you have denied the Trust's claim for securities. I disagree with your October 19, 2009 refusal to pay the claim and contest the basis for the denial.

The SIPA has a statutory obligation to promptly pay all customer claims and to allow those claims at the amounts required by SIPA, i.e., inclusive of "fictitious" incomes since customers had a *legitimate expectation* that the securities listed on their customer statements belong to them.

Congress provided in the SIPA that the SIPC is prohibited from changing the definition of "net equity," the basis by which customers are to receive restitution in a situation such as the Madoff scam. 15 U.S.C. Section 78ccc (b) (4) (A). And, under the SIPC's Rule 502, as long as the customer received written confirmations of transactions from the broker/dealer, the customer is entitled to the securities shown on his last statement (November 2008), or up to \$500,000 in cash, even if the dishonest broker pocketed the money and **perhaps** never bought the securities.

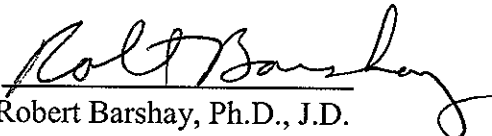
It would appear that you determined to interpret the SIPC insurance obligations in a manner not in accord with the Congressional intent that established the SIPA.

In your Notice of Trustee's Determination of Claim addressed to the Trust, you listed in Table 1 the deposits and withdrawals. Was this data found in Madoff's records (BLMIS), or is it data established by and corroborated from an independent and reliable source? Rather obviously, there are many questions surrounding Madoff's records. Accordingly, please immediately provide me with any third party independent verification of Madoff's records that you relied upon in reaching your conclusion concerning the Trust's account. An accounting generated by Madoff's internal records is fraudulent, untrustworthy, and based on insufficient records upon which to reach a determination.

In addition to the arguments made above, **the Trust** also hereby adopts the arguments and reasons set forth in the case of Diane and Roger Peskin and Maureen Ebel, Plaintiffs, vs. Irving H. Picard, Defendant in re: Bernard L. Madoff Investment LLC, Debtor, filed in the United States Bankruptcy Court Southern District of New York; and also adopts the arguments and reasons set forth in Helen Davis Chaitman's letter, dated April 2, 2009, to Mary Schapiro, Commissioner, U.S. Securities and Exchange Commission, as being attached hereto and made a part hereof.

Sincerely yours,

Thelma Barshay Trust

By: 
Robert Barshay, Ph.D., J.D.